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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

WALTER L. WAGNER, an individual,	:	
Plaintiff,	:	Case No. 2:11-cv-00784-BCW
v.	:	
PRESTON MICHIE, an individual, KENNETH FRANCIK, an individual, LESLIE COBOS, an individual, MARK ROBINSON, an individual, ANNETE EMERSON, an individual, STEVE BRYANT, an individual, and WORLD BOTANICAL GARDENS, INC., a Nevada corporation,	: : : : : : :	AFFIDAVIT OF PRESTON MICHIE OF FACTS IN OPPOSITION TO PLAINTIFF'S MOTION TO FOR A PRELIMINARY INJUNCTION.
Defendants.	:	Magistrate Brooke C. Wells

I, Preston Michie, declare and state as follows:

1. I am counsel for Defendant World Botanical Gardens, Inc. ("Defendant WBGI"). I am

over the age of 18 and competent to testify to the matters stated herein. The statements made in this declaration are based on my personal knowledge.

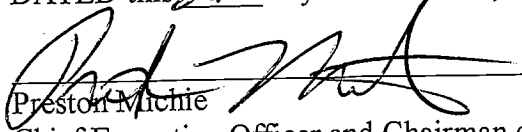
2. I am a named defendant in the above-captioned matter Walter Wagner v. Preston Michie et al.; Case No. 2:11-cv-00784-BCW and am familiar with the subject matter of this action.

3. Defendant WBGI removed the copy of the indictment issued by the State of Hawaii against Plaintiff Walter Wagner ("Plaintiff") from its website in September of 2011.

4. I informed the shareholders of Defendant WBGI that there were no criminal actions pending against Plaintiff in September of 2011.

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DATED this 21st day of November, 2011


Preston Michie

Chief Executive Officer and Chairman of the Board of Directors
World Botanical Gardens, Inc.

SUBSCRIBED AND SWORN hereto before me this 21st day of November, 2011.


NOTARY PUBLIC

For the State of Washington, County of Clark

My Commission Expires: 08/01/2012

